

AN ORDINANCE NO. 25-15

Amending Chapter 286, Zoning, of the Colonial Heights City Code by amending § 286-202.10 by and adding the use types of “recreational substances” and “recreational substances”, retail; amending § 286-312.04 by adding “recreational substances, retail as a permitted use; and adding a new § 286-410.67 providing requirements for recreational substances retail establishments.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. Sections 286-210.10 and 286-312.04 of the Colonial Heights City Code are amended, and new Section 286-410.67 is added to Chapter 286 of the Colonial Heights City Code as follows:

§ 286-202.10. **Commercial use types.**

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**RECREATIONAL SUBSTANCES**

Recreational substances include the following:

- (1) Retail tobacco product as defined in § 18.2-371.2 of the Code of Virginia;
- (2) Electronic smoking device as defined in § 182.-371.2 of the Code of Virginia;
- (3) Nicotine vapor product as defined in § 58.1-1021.01 of the Code of Virginia; and
- (4) Hemp product intended for smoking as defined in § 3.2-4112 of the Code of Virginia.

**RECREATIONAL SUBSTANCES, RETAIL**

Any establishment, facility, or location whose business operation primarily engages in the retail sale of recreational substances. The Administrator shall consider the following criteria, and any other criteria he deems relevant, in determining whether any establishment, facility, or location is primarily engaged in retail sales of recreational substances:

- (1) Whether recreational substances account for 25% or more of its total inventory;

(2) Whether recreational substances account for 15% or more of its total display shelf area;

(3) Whether recreational substances account for 10% or more of the floor area;

(4) Whether building-mounted or freestanding signage specifically advertising recreational substances has been erected and is visible from the public right-of-way.

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**§ 286-312.04 Permitted uses.**

The following uses are permitted by right or by special exception permit in the IN Industrial District, subject to all other applicable requirements contained in this ordinance. An (S) indicates a special exception permit is required. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article IV, Use and Design Standards.

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(5) Commercial use types:

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Recreational substances, retail\*

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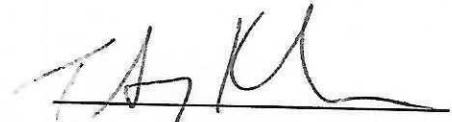
**§ 286-410.67 Recreational substances retail establishments.**

- A. Any recreational substances retail establishment must be located on a property more than 1,000 feet away from a child day center, as defined in § 22.1-289.02 of the Code of Virginia; a public, private, or parochial school; and another recreational substances retail establishment.
- B. A recreational substances retail establishment shall not be open for business before 9:00 a.m. on any day or operate later than 8:00 p.m. on any day.


C. Recreational substances retail establishments shall allow only off-site use of recreational substances.

2. This ordinance shall be in full force and effect upon its approval on second reading.

Approved:

  
Mayor

Attest:

  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on September 9, 2025

Ayes: 6 Nays: 1 Absent: 0 Abstain: 0

The Honorable Elizabeth G. Luck, Councilwoman:

Aye

The Honorable Tricia L. Palmer, Councilwoman:

Aye

The Honorable Craig R. Skalak, Councilman:

Aye

The Honorable Brad E. Slaybaugh, Councilman:

Aye

The Honorable John T. Wood, Councilman:

Nay

The Honorable John E. Piotrowski, Vice-Mayor:

Aye

The Honorable T. Gregory Kochuba, Mayor:

Aye

Adopted on its second reading on September 16, 2025

Ayes: 6 Nays: 1 Absent: 0 Abstain: 0

The Honorable Elizabeth G. Luck, Councilwoman:

Aye

The Honorable Tricia L. Palmer, Councilwoman:

Aye

The Honorable Craig R. Skalak, Councilman:

As

The Honorable Brad E. Slaybaugh, Councilman:

As

The Honorable John T. Wood, Councilman:

As

The Honorable John E. Piotrowski, Vice-Mayor:

As

The Honorable T. Gregory Kochuba, Mayor:

As

Pamela B. Wallace

City Clerk

Approved as to form:

[Signature]

Interim City Attorney